

CHAPTER 164

HEALTH CARE POLICY AND FINANCING

HOUSE BILL 05-1066

BY REPRESENTATIVE(S) Madden, Boyd, Buescher, Carroll T., Cloer, Frangas, Garcia, Marshall, Merrifield, Plant, Pommer, and Todd;
also SENATOR(S) Sandoval, Groff, Hanna, Shaffer, Tupa, Veiga, and Williams.

AN ACT

**CONCERNING THE TREATMENT OF OBESITY UNDER THE "COLORADO MEDICAL ASSISTANCE ACT",
AND MAKING AN APPROPRIATION THEREFOR.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Part 5 of article 4 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

26-4-534. Obesity treatment pilot program - development and implementation - report - repeal. (1) (a) CONTINGENT ON THE CONDITIONS SPECIFIED IN SUBSECTION (3) OF THIS SECTION, THE STATE DEPARTMENT SHALL DEVELOP AND IMPLEMENT AN OBESITY TREATMENT PILOT PROGRAM FOR THE PURPOSE OF TREATING A MEDICAID RECIPIENT WHO HAS A BODY MASS INDEX THAT IS EQUAL TO OR GREATER THAN THIRTY AND WHO HAS A COMORBIDITY RELATED TO THE RECIPIENT'S OBESITY INCLUDING BUT NOT LIMITED TO DIABETES, HYPERTENSION, AND CORONARY HEART DISEASE. THE PILOT PROGRAM SHALL BE DESIGNED TO TREAT A RECIPIENT THROUGH THE USE OF BEHAVIORAL MODIFICATION, SELF-MANAGEMENT TRAINING, AND MEDICATION WHEN MEDICATION IS MEDICALLY NECESSARY. THE STATE DEPARTMENT SHALL NOT RESTRICT A RECIPIENT'S ACCESS TO MEDICALLY APPROPRIATE SERVICES UNDER THIS PILOT PROGRAM.

(b) IT IS THE GENERAL ASSEMBLY'S INTENT THAT THE IMPLEMENTATION OF THE OBESITY TREATMENT PILOT PROGRAM AUTHORIZED IN THIS SECTION SHALL BE COST EFFECTIVE FOR THE STATE'S MEDICAL ASSISTANCE PROGRAM. GENERAL FUND MONEYS SHALL NOT BE APPROPRIATED TO FUND THE OBESITY TREATMENT PILOT PROGRAM FOR EITHER FISCAL YEAR 2005-06 OR FISCAL YEAR 2006-07. IF AN INDEPENDENT STUDY DEMONSTRATES THAT THE OBESITY TREATMENT PILOT PROGRAM REDUCES STATE EXPENDITURES FOR MEDICAL SERVICES PREMIUMS, THEN THE

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

GENERAL ASSEMBLY MAY APPROPRIATE GENERAL FUND MONEYS THAT WOULD OTHERWISE BE APPROPRIATED FOR MEDICAL SERVICES PREMIUMS TO FUND A CONTINUATION OF THE PILOT PROGRAM AFTER JUNE 30, 2007.

(2) THE STATE DEPARTMENT SHALL REPORT TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY ON THE EFFECTIVENESS OF THE OBESITY TREATMENT PILOT PROGRAM AND SHALL PROVIDE AN ESTIMATE OF THE FISCAL IMPLICATIONS GENERATED BY THE IMPLEMENTATION OF THE PILOT PROGRAM. THE STATE DEPARTMENT SHALL REPORT ON OR BEFORE FEBRUARY 1, 2007, AND ON OR BEFORE EACH FEBRUARY 1 THEREAFTER IN WHICH THE OBESITY TREATMENT PILOT PROGRAM IS IN PLACE.

(3) (a) THE STATE DEPARTMENT MAY CONTRACT ON A CONTINGENCY BASIS AND MAY ACCEPT GIFTS, GRANTS, AND DONATIONS FOR THE DEVELOPMENT AND IMPLEMENTATION OF THE OBESITY TREATMENT PILOT PROGRAM AUTHORIZED IN SUBSECTION (1) OF THIS SECTION.

(b) THE STATE DEPARTMENT SHALL DEVELOP AND IMPLEMENT THE OBESITY TREATMENT PILOT PROGRAM AUTHORIZED IN SUBSECTION (1) OF THIS SECTION ONLY IF THE STATE DEPARTMENT RECEIVES SUFFICIENT GIFTS, GRANTS, OR DONATIONS FOR THE DEVELOPMENT AND IMPLEMENTATION OF THE OBESITY TREATMENT PILOT PROGRAM.

(4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2010. PRIOR TO SUCH REPEAL, THE OBESITY TREATMENT PILOT PROGRAM IMPLEMENTED BY THE STATE DEPARTMENT PURSUANT TO THIS SECTION SHALL BE REVIEWED AS PROVIDED FOR IN SECTION 24-34-104, C.R.S.

SECTION 2. 24-34-104 (41), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (41) The following agencies, functions, or both, shall terminate on July 1, 2010:

(q) THE OBESITY TREATMENT PILOT PROGRAM IMPLEMENTED BY THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING PURSUANT TO SECTION 26-4-534, C.R.S.

SECTION 3. Appropriation - adjustments to 2005 long bill. (1) For the implementation of this act, appropriations made in the annual general appropriation act to the department of health care policy and financing for the fiscal year beginning July 1, 2005, shall be adjusted as follows:

(a) The appropriation to the executive director's office is increased by sixty-eight thousand seven hundred sixty-six dollars (\$68,766) and 0.5 FTE. Of said sum, twenty-six thousand four hundred forty-five dollars (\$26,445) shall be from cash funds exempt and forty-two thousand three hundred twenty-one dollars (\$42,321) shall be from federal funds. The cash funds exempt appropriation shall be from gifts, grants, and donations received by the department of health care policy and financing for the purposes of this act.

(b) The appropriation to medical services premiums is increased by two hundred twenty-two thousand eight hundred twenty-three dollars (\$222,823). Of said sum, one hundred eleven thousand four hundred twelve dollars (\$111,412) shall be from cash funds exempt and one hundred eleven thousand four hundred eleven dollars (\$111,411) shall be from federal funds. The cash funds exempt appropriation shall be from gifts, grants, and donations received by the department of health care policy and financing for the purposes of this act.

SECTION 4. Effective date. This act shall take effect July 1, 2005.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 26, 2005